

FILED
U.S. DISTRICT COURT
BRUNSWICK DIV.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

2007 FEB -5 P 1:06

CLERK *J. Salvatore*
SO. DIST. OF GA.

GORE MARINE CORPORATION, and
LIBERTY INTERNATIONAL
UNDERWRITERS,

Plaintiffs,

vs.

CIVIL ACTION NO.: CV206-037

NORFOLK DREDGING COMPANY,

Defendant.

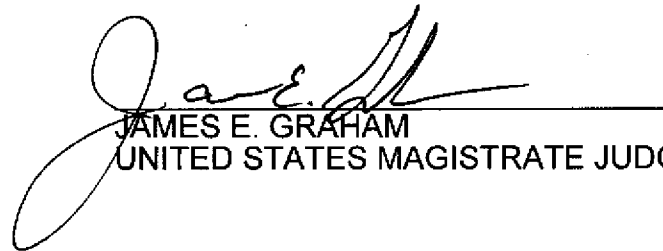
ORDER

Defendant has filed a Motion in Limine seeking to exclude evidence of prior convictions of James Saunders, an employee of Norfolk Dredging Company. During his deposition, Saunders testified that he has prior convictions. Apparently, he has three prior DUI convictions and a prior conviction as a result of a "family argument." Federal Rule of Evidence 609 provides, that subject to Rule 403, evidence that a witness has been convicted of a felony offense, or a crime involving dishonest or false statements is admissible. However, evidence of a conviction is not admissible if more than ten years has elapsed since the conviction or the release of the witness from confinement, whichever is later.

The Court can not now determine whether the convictions referenced in the deposition are felony convictions, or if the conviction as a result of a "family argument" involved dishonesty, and can not now determine if the ten-year limitation period should apply. Accordingly, Defendant's Motion in Limine (Doc. 24) is **DENIED** at this time. The Court will address the admissibility of such "impeaching" evidence, when it has received sufficient

information to determine if the requirements of Federal Rule of Evidence 609 have been satisfied. The Court is not now addressing Federal Rule of Evidence 403 or that portion of Rule 609 which provides for a balancing of the probative value of the convictions and the prejudicial effect thereof.

SO ORDERED, this 5th day of February, 2007.


JAMES E. GRAHAM
UNITED STATES MAGISTRATE JUDGE